

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

MICHAEL TEDESCHI II,	:	CASE NO. 2:15-cv-12912
	:	
Plaintiff,	:	JUDGE
	:	
v.	:	<b>NOTICE OF REMOVAL</b>
	:	
CROSSTOWN LAW LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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Now come Defendants Crosstown Law, LLC and Pinnacle Credit Services, LLC (collectively “Defendants”), pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1441, and 15 U.S.C. §§ 1692 *et seq.*, and file this Notice of Removal, and in support hereof set forth the following grounds:

1. On or after July 20, 2015, Defendants were served with Plaintiff’s Complaint, a copy of which is attached hereto, in an action entitled Michael Tedeschi II v. Crosstown Law LLC, et al., filed of record with the Clerk of Courts of the State of Michigan 52-3 District Court, Case No. 15-C02794
2. Plaintiff’s Complaint purports to set forth causes of action under the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692, *et seq.*
3. This Court has original jurisdiction over Plaintiff’s causes of action under the Fair Debt Collection Practices Act based upon 28 U.S.C. § 1331 and 15 U.S.C. §§ 1692, *et seq.* Pursuant to 28 U.S.C. § 1441, therefore, the civil action pending in the State of Michigan 52-3 District Court is removable to this Court.
4. Defendants have not filed any pleading(s) in response to Plaintiff’s Complaint with the Clerk of Courts of the State of Michigan 52-3 District Court.
5. Thirty (30) days have not yet expired since receipt of Plaintiff’s Complaint.
6. Copies of all process, pleadings and orders served upon Defendants in this action are attached hereto.
7. Defendants have provided written notice of the filing of this Notice of Removal to Plaintiff’s counsel by ordinary and electronic mail on this date and will also forward a Notice for filing with the Clerk of Courts of the State of Michigan 52-3 District Court, regarding this Notice of Removal.

WHEREFORE, Defendants pray that the above-captioned action now pending in the State of Michigan 52-3 District Court, be removed therefrom and placed on the regular docket of the United States District Court for the Eastern District of Michigan.

Respectfully submitted,

/s/David B. Shaver

Jeffrey C. Turner (OH # 0063154)

David B. Shaver (OH # 0085101)

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*Counsel for Defendants*

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 17, 2015, I mailed a copy of the foregoing by U.S. Mail and electronic mail to the following:

Adam G. Taub, Esq.

ADAM G. TAUB & ASSOCIATES CONSUMER LAW GROUP, PLC

17200 West 10 Mile Rd., Suite 200

Southfield, MI 48075

[adamgtaub@clgplc.net](mailto:adamgtaub@clgplc.net)


*Counsel for Plaintiff*

/s/David B. Shaver

David B. Shaver (OH # 0085101)

Approved, SCAO

Original - Court  
1st copy - Defendant2nd copy - Plaintiff  
3rd copy - Return

<b>STATE OF MICHIGAN</b> 52-3 JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	<b>SUMMONS AND COMPLAINT</b>	<b>CASE NO.</b> 
<b>Court address</b> 700 Barclay Circle Rochester Hills MI 48307	<b>Court telephone no.</b> (248) 853-5553	

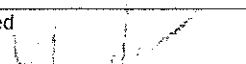
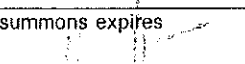
Plaintiff's name(s), address(es), and telephone no(s). Michael Tedeschi II c/o Counsel
Plaintiff's attorney, bar no., address, and telephone no. Adam G Taub (P48703) Adam G Taub & Associates Consumer Law Group, PLC 17200 W Ten Mile Road Ste 200 Southfield MI 48075 (248) 746-3790

v

Defendant's name(s), address(es), and telephone no(s). Pinnacle Credit Services, LLC 7900 Highway 7 St Louis Park MN 55426	RECEIVED FOR FILING 52-3 DISTRICT COURT 2015 JUN 29 P 2:36
REVIEWED JUL 20 2015	

**SUMMONS NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 	This summons expires 	Court clerk <b>BRIAN M. HENDERSON</b>
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

**COMPLAINT** *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*
☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
**Family Division Cases**
☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.

 The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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**General Civil Cases**
☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.

 The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge <b>CASE ASSIGNED TO (P42708) JUDGE LISA L. ASADOORIAN</b>	Bar no.
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**VENUE**

Plaintiff(s) residence (include city, township, or village) Rochester Hills MI	Defendant(s) residence (include city, township, or village) Out of State
Place where action arose or business conducted Rochester Hills MI	

Date

Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

**PROOF OF SERVICE****SUMMONS AND COMPLAINT**

Case No. \_\_\_\_\_

**TO PROCESS SERVER:** You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**☐ **OFFICER CERTIFICATE**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,  
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,  
together with \_\_\_\_\_

List all documents served with the Summons and Complaint

\_\_\_\_\_ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature \_\_\_\_\_

Name (type or print) \_\_\_\_\_

Title \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with \_\_\_\_\_ Attachments  
\_\_\_\_\_ on \_\_\_\_\_  
Day, date, time  
\_\_\_\_\_ on behalf of \_\_\_\_\_  
Signature

STATE OF MICHIGAN  
52-3 DISTRICT COURT

MICHAEL TEDESCHI II,

Plaintiff,

-VS-

Case No. 15-CO2794  
Hon.

CROSTOWN LAW LLC, and  
PINNACLE CREDIT SERVICES, LLC,

Defendants.

**COMPLAINT & JURY DEMAND**

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52-3 DISTRICT COURT  
2015 JUN 29 P 2:37

**Introduction**

1. The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt; it also requires debt collectors to give debtors certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

**Jurisdiction**

2. The amount in controversy is less than \$10,000.00 exclusive of costs and attorneys fees.

**Parties**

3. The Plaintiff, at all times relevant, resides in Rochester Hills, in Oakland County, Michigan.
4. Crosstown Law LLC, ("CLLLC") is a foreign corporation doing business Rochester Hills, in Oakland County, Michigan.

5. Pinnacle Credit Services, LLC ("PCSLLC") is a foreign corporation doing business in Rochester Hills, in Oakland County, Michigan.

**Venue**

6. The transactions and occurrences which give rise to this action occurred in Oakland County.
7. Venue is proper in the 52-3 District Court.

**General Allegations**

8. On or about January 19, 2015, Plaintiff sent a dispute letter known as a "reinvestigation" to Experian, a national credit reporting agency. ("dispute letter").
9. In his dispute letter, Plaintiff informed Experian that he was disputing an alleged debt that PCSLLC was reporting to Experian.
10. Experian received the Plaintiff's dispute letter and conveyed actual notice of the Plaintiff's dispute to PCSLLC.
11. Prior to February 2, 2015, PCSLLC hired CLLLC to represent it, and, in turn, CLLLC contacted the Plaintiff for the first time on or about February 2, 2015 by mailing Plaintiff a letter ("February 2, 2015 letter").
12. The February 2, 2015 letter is an attempt to collect a debt.
13. CLLLC is a "debt collector" as that term is defined in the FDCPA.
14. The February 2, 2015 letter is misleading in that it is on what purports to be the letterhead of a law firm, but there was no meaningful attorney involvement in generating the letter.
15. The February 2, 2015 letter is misleading in that it purports to be from a law firm representing a potentially adverse party while, at the same time, purports that its sole purpose is to, is to "assist [the consumer] through the dispute process."

16. The February 2, 2015 is misleading in that it implies that CLLLC reviewed PCSLLC's records, upon information and belief, this is untrue.
17. The February 2, 2015 is misleading in that it advises the Plaintiff to send information to PCSLLC, but does not provide notice that PCSLLC is a debt collector as required under 15 U.S.C. §1692e(11).
18. The February 2, 2015 is misleading in that it does not provide notice that CLLLC is a debt collector as required under 15 U.S.C. §1692e(11).
19. PCSLLC violated the FDCPA by instructing CLLLC to solicit information for PCSLLC without notifying the consumer pursuant to 15 U.S.C. §1692e(11) or 15 U.S.C. §1692g.
20. The February 2, 2015 is misleading in that it does not assist, but on the contrary, mistates the rights of the consumer under 15 U.S.C. §1681 *et seq.* and misinforms the consumer regarding the reinvestigation process set forth in 15 U.S.C. §1681s-2(b).
21. The February 2, 2015 is misleading in that it is meant to discourage the consumer from pursuing rights under the FCRA.
22. The February 2, 2015 does not contain notices required under 15 U.S.C. §1692g and CLLC did not send the Plaintiff any notices under 15 U.S.C. §1692g within five days of the letter.
23. Plaintiff has suffered damages as a result of these acts and omissions of the Defendants.

**COUNT I – Fair Debt Collection Practices Act (CLLLC)**

24. Mr. Tedeschi incorporates the preceding allegations by reference.
25. At all relevant times CLLLC – in the ordinary course of its business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

- 26. CLLLC is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
- 27. CLLLC 's foregoing acts in attempting to collect this alleged debt against Mr. Tedeschi constitute violations of the FDCPA.
- 28. Mr. Tedeschi has suffered damages as a result of these violations of the FDCPA.

**COUNT II – Michigan Occupational Code (CLLLC)**

- 29. Mr. Tedeschi incorporates the preceding allegations by reference.
- 30. CLLLC is a "collection agency" as that term is defined in the Michigan Occupational Code, M.C.L. § 339.901(b).
- 31. Mr. Tedeschi is a debtor as that term is defined in M.C.L. § 339.901(f).
- 32. CLLLC 's foregoing acts in attempting to collect this alleged debt against Mr. Tedeschi constitute violations of the Occupational Code.
- 33. Mr. Tedeschi has suffered damages as a result of these violations of the Michigan Occupational Code.

**COUNT III – Fair Debt Collection Practices Act (PCSLLC)**

- 34. Mr. Tedeschi incorporates the preceding allegations by reference.
- 35. At all relevant times PCSLLC – in the ordinary course of its business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
- 36. PCSLLC is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
- 37. PCSLLC 's foregoing acts in attempting to collect this alleged debt against Mr. Tedeschi constitute violations of the FDCPA.



38. Mr. Tedeschi has suffered damages as a result of these violations of the FDCPA.

**COUNT IV -- Michigan Occupational Code (PCSLLC)**

39. Mr. Tedeschi incorporates the preceding allegations by reference.

40. PCSLLC is a "collection agency" as that term is defined in the Michigan Occupational Code, M.C.L. § 339.901(b).

41. Mr. Tedeschi is a debtor as that term is defined in M.C.L. § 339.901(f).

42. PCSLLC 's foregoing acts in attempting to collect this alleged debt against Mr. Tedeschi constitute violations of the Occupational Code.

43. Mr. Tedeschi has suffered damages as a result of these violations of the Michigan Occupational Code.

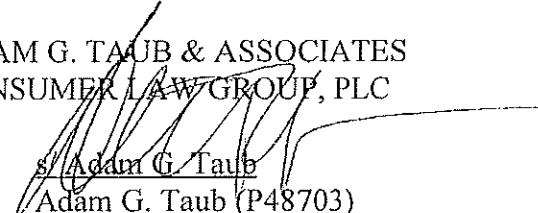
**Demand For Judgment for Relief**

*ACCORDINGLY, Mr. Tedeschi requests that the Court award actual damages.*

- a. Award statutory damages.*
- b. Award punitive damages.*
- c. Award statutory costs and attorney fees.*

Respectfully Submitted,

ADAM G. TAUB & ASSOCIATES  
CONSUMER LAW GROUP, PLC

By:   
Adam G. Taub (P48703)  
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Dated: June 19, 2015

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EAST DISTRICT COURT

Adam G Taub & Associates Consumer Law Group, PLC  
17200 W Ten Mile Road Ste 200  
Southfield MI 48075-8200



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CERTIFIED MAIL RETURN RECEIPT REQUESTED  
Pinnacle Credit Services LLC  
7900 Hwy 7  
St Louis Park MN 55426-4045



48075  
\$6.95  
US POSTAGE  
FIRST-CLASS

CERTIFIED MAIL™